REMARKS

Applicant has carefully studied the Final Office Action of December 22, 2004, and offers the following remarks to accompany the above amendments. Applicant appreciates the telephonic interview with Examiner Shapiro on February 3, 2005 when some of the issues surrounding the present application were discussed. Where appropriate, the remarks reflect the substance of the interview.

Applicant initially amends claims 1, 5, 6, 9, 11-15, 20, 29, 30, 32 and 33 to make the claim terminology consistent throughout the claim set. No new matter is added, but the possibility of problems with antecedent basis issues is minimized.

Applicant amends claim 14 to recite that the running is done with a single display controller and the assigning is to the aforementioned single display controller. This corresponds to the subject matter of claim 1 and does not represent new matter or a new issue.

Before addressing the rejection, Applicant provides a brief summary of the claimed invention so that the remarks are considered in the proper context. As discussed during the telephonic interview with the Examiner, the present invention is designed to provide multiple browsers on a kiosk, and more particularly, a fuel dispenser. Specifically, most fuel dispensers have two fueling stations, each with a display. It is possible to have a browser for each fueling station. The problem arises in controlling the browsers. In conventional arrangements, each browser has its own display controller. This arrangement results in duplicated hardware which in turn raises the cost of the fuel dispenser. The present invention solves this problem by providing a kiosk with a single display controller that is capable of controlling multiple browsers. In particular, the display controller includes a control system adapted to run browser applications for each of the displays on the kiosk. The single display controller is capable of running the multiple browsers by using an addressing scheme wherein the display controller has a single Internet Protocol (IP) address and each of the browser applications has a unique port associated with the IP address. In this manner the appropriate instructions can be matched to the corresponding display and browser application.

Rejection Under 35 U.S.C. § 103(a) – Coppola et al., Devine et al. & Kohut et al.

Claims 1, 4-9, 11-21 and 28-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,360,138 to Coppola et al. (hereinafter "Coppola") in view of

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U.S. Patent No. 6,763,376 to Devine et al. (hereinafter "Devine"), in further view of U.S. Patent No. 6,338,008 to Kohut et al. (hereinafter "Kohut"). Applicant respectfully traverses.

For the Patent Office to establish *prima facie* obviousness over a combination of references, the Patent Office must show where each and every claim element is taught or suggested in the combination of references. MPEP § 2143.03. While the Patent Office is entitled to give claim terms their broadest reasonable interpretation when determining whether a reference shows a claim element, this leniency has two limitations placed thereon. First, the interpretation is made from the point of view of someone of ordinary skill in the art. Second, the interpretation must still be **reasonable**. MPEP § 2111.

Before the Patent Office can combine references in an obviousness analysis, the Patent Office must do two things. First, the Patent Office must articulate a motivation to combine the references, and second, the Patent Office must support the articulated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

In the present case, the claim recites elements which the Patent Office is not considering when it equates elements of the references to elements of the claim. Based on the comments made by the Examiner during the telephonic interview, it appears that the interpretation made by the Patent Office rests upon an unreasonably broad interpretation of the claim elements. The Patent Office compounds the error by advancing a motivation to combine the reference which also ignores the same recited claim element. When the claim element is properly considered, the motivation is not proper, and therefore the combination is improper.

Specifically, and as discussed during the telephonic interview with the Examiner, the independent claims recite that a display controller comprises a control system adapted to run browser applications for each of said plurality of displays. The Patent Office opines that Devine's Frame NAT/Router of Figure 2 is a display controller, stating "Applicant's display controller is equivalent to the Frame NAT/Router, since it is taking the web information having a unique address and directing it to either of the browsers by a unique port ID." However, the Frame NAT/Router of Devine does not "run browser applications for each of said plurality of displays" as recited in claims 1 and 13. Claims 14 and 20 recite similar functional elements which are not performed by Devine's Frame NAT/Router.

As illustrated in Figure 2 of Devine, the Frame NAT/Router connects to two computers via an unlabeled LAN. Beneath each of the computers is the word "Browser". The computers

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each have a microprocessor and accompanying hardware in which can be found a respective display controller. Thus, the computers run the browser applications on their respective display controllers and use the Frame NAT/Router to connect to the BGP. The Frame NAT/Router does not run the browser applications on the computers. The Patent Office countered during the telephonic interview that the claim recites that the control system merely be associated with the communications electronics and thus, does not, under a broad interpretation of "associate" have to be within the kiosk. Without admitting that this hypothesis is true, the observation about the breadth of "associate" is irrelevant to the issue of whether the element identified by the Patent Office as the display controller's control system "runs" the browser applications as recited in the claims. The Patent Office's interpretation that the Frame NAT/Router is the display controller ignores the claim language which indicates that the display controller runs the browser applications.

Alternatively, the Patent Office's interpretation of "runs" is so broad as to be contrary to what someone of ordinary skill in the art would consider reasonable. Under either scenario, the Patent Office's interpretation of the reference does not show the recited claim element. Since Devine does not show the element for which it is cited, the combination does not show all the claim elements, and the rejection does not establish *prima facie* obviousness. Since the rejection does not establish obviousness, the claims are allowable.

The Patent Office compounds this interpretational error in its analysis of the motivation to combine the references. Specifically, the Patent Office states "it would have been obvious . . . to have used a single router to direct web information from an application with a particular address to one of several connected browsers with a unique port identifier on a fuel dispenser having two points of sale, and therefore two browsers." The Patent Office then states that the suggestion would have been to connect multiple browsers through a single router to the internet/web, as one ordinarily skilled in the art would recognize from Figure 2. However, as explained above and as explained during the telephonic interview, this evidence is deficient, because Figure 2 teaches two computers connected to the Frame/NAT router, not two browsers run on a single display controller. To this extent, the evidence to support the motivation does not support the motivation to combine the references, and the motivation to combine the references is improper. Since the motivation to combine the references is improper, the combination is

improper, and the rejection is not properly supported. Applicant requests withdrawal of the rejection on this basis as well.

The Patent Office's Response to Applicant's Previous Arguments

Applicant now responds directly to the points the Patent Office raised in the Office Action that responded to Applicant's arguments filed December 13, 2004. The text of the Response to Arguments is presented in italics below, interspersed with Applicant's rebuttal in normal type face.

3.   Applicant's arguments filed 12/13/04 have been fully considered but they are not persuasive. Applicant argues that there is no motivation to combine the references of Coppola, Devine and Kohut.

Applicant asserts that there is no explanation as to why connecting multiple browsers through a single router is desirable. However, as can be seen from figure 2 of Devine, it would have been clear to one ordinarily skilled in the art that a single frame router can be used to handle multiple browsers.

As explained above, and as further explained in the telephonic interview with the Examiner, Figure 2 of Devine shows a single router: the Frame NAT/Router used to connect two computers via an unlabeled LAN to the Frame NAT/Router. Underneath each computer is the word "Browser". Importantly, each browser operates on its own computer, and each computer has its own hardware, including its own display controller to run the browser. So while it is correct that the single Frame NAT/Router "can be used to handle multiple browsers", the Frame NAT/Router is not running the browsers as recited in the claims. Rather the respective display controllers of the unlabeled computers are running the browsers. The Patent Office's interpretation is eliminating the computer portion of Figure 2.

One ordinarily skilled in the art would have recognized from the illustration that a single router could be used with each browser or two or more browsers could be used with a single router. Therefore, it would have been logical to use a single router to handle multiple browsers so as to eliminate the extra routers. See also Devine, col. 10, lines 20-57, which describes at line 35 that multiple machines can be operated from the same server.

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Again, this interpretation ignores the fact that the router does not "run" the browser applications. The router routes information to and from the computers, but does not "run" the browsers. Thus, the use of the router implies that many computers are used, and that these computers each have their own browsers, but such an arrangement has many display controllers that run the separate browsers and does not correspond to the claimed invention.

Each browser is presented on a display (see again figure 2) which is connected to the server through the router. The software to run the application resides on the server. Again, see Devine, col. 10, line 35. This is the same structure as Applicant's structure as illustrated in Applicant's figure 1, which shows server (36) and display controller (40). See also Devine, col. 10, lines 20-30, which describes that either a single server machine (called "vertical") can be used instead of multiple server machines ("horizontal").

Applicant respectfully disagrees with the assertion that this is the same structure as shown in Applicant's Figure 1. Specifically, as explained above in Applicant's invention, the display controller runs the browser applications. The servers and routers of Devine do not run the browsers. The microprocessors of Devine's unlabeled computers run the browsers. The fact that Devine inherently has a display controller in each of his unlabeled computers precludes an assertion of equivalency between Devine's Figure 2 and Applicant's structure.

Alternatively, one ordinarily skilled in the art would recognize that it would have been obvious to reside software for running the application on either the router itself, or on a remote server, or the display/machine (CPU). The motivation to use any of these schemes (vertical or horizontal) would have been to provide "scalability" of the web server. Regardless of where the application software resides, it must be controlled. Also, the router can be construed as the display controller. This situation is much the same as splitting a cable input for broadband cable through a router so as to provide broadband cable input to multiple machines/displays. Such structures having the application reside on a remote server or having the browser application run on a single router can be construed to be functional equivalents to each other. The router is the display controller and controls the sending of information to and from the

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machine/display. This is how browser applications are run on multiple machines/displays through a single router, through horizontal server scalability, for example, as is well-known in the art.

The location of the software running the application is not germane to the question of where the control system that "runs" the browser. The claim recites that the control system that runs the browser is on the display controller. Devine does not teach this arrangement, but rather runs the browsers on the distinct computers. In terms of the comparison to a cable splitter or a router for a cable modem, such splitters and routers do not have the intelligence to run a browser. Applicant discussed this with the Examiner during the telephonic interview and respectfully maintains that there is no evidence in the record that teaches or suggests such splitters or routers having the intelligence or processing capability to be a display controller that has a control system that runs the browsers. While the router may control the sending of information to the browsers, this is not "running" the browsers as recited in the claims.

Applicant's specification at p. 7, lines 13-18 states that "the display controller runs browser applications for the respective browser displays (38) and ensures that requests for web content are associated with the proper browser display, if necessary, and directs web content to the proper browser display (38) upon receipt from the server (36)."

Applicant's specification at p.7, lines 23-27 indicate that "the server (36) typically runs a control application (36a) (see figure 4) and a web server application (36a) using the client-server model to control the display controller (40) and serve files that form web pages to the browser applications."

These two passages from Applicant's specification describe exactly the structure and functions of Devine's system, as has been described previously. Again, see figure 2 of Devine. Note also that the Frame router and the Frame NAT/Router can be construed as the display controller as well.

As explained above, Applicant disagrees that these passages correspond to Devine's system. Devine's system has separate display controllers for each computer as is conventional.

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There is no evidence of a single control system "running" the browsers for both computers illustrated in Devine Figure 2.

Applicant asserts that there is no motivation to combine Coppola and Devine. However, as described above, it would have been obvious to one of ordinary skill in the art to have used Devine's teaching of using a router to split input/output from a single server to multiple displays. This is a logical step that one ordinarily skilled in the art would recognize would save extra cost and complexity of using multiple routers (display controllers).

Devine does not teach using a router to split input from a single server to multiple displays. Devine teaches splitting input from a single server to multiple computers, each of which may have a display. Thus, Devine does not teach consolidation of display controllers having a single control system that runs multiple browsers.

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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